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**INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS**

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PERSONNEL RULES AND REGULATIONSWhy should a municipality have personnel rules covering all employees, what should be included in such rules, and how can they best be prepared?

Personnel rules are a necessary management tool (1) to interpret and explain the merit system ordinance, (2) to establish in some detail the technical and administrative procedures needed to carry out the broad program outlined in the ordinance with regard to such matters as the position classification plan and pay plan; and (3) to establish the general personnel policy of the city on hours of work, leaves of absence, and other employment conditions. A written statement of rules and regulations enables city officials to administer a personnel program in a consistent and orderly fashion, and avoid conflicting decisions or inconsistent practices which might result from handling each question as it comes up. It is important also from the point of view of city employees and also the general public and the press that full and accurate information about the operation of the personnel program should be available in the form of rules.

Content of Personnel Rules. The governing factor is the basic law or ordinance establishing the personnel system. A good principle is to attempt to provide rules to cover conditions that commonly arise within the framework of the law or ordinance, leaving considerable discretion to the city manager and personnel director. In some cases, as in the conduct of an in-service training program, a general statement of over-all policy is preferable to detailed rules which would be subject to frequent amendments. It is generally not desirable to adopt detailed procedures on problems about which there is a wide divergence of opinion. Consideration also should be given to setting up a list of definitions of basic terms which will be used throughout the rules. The subjects which might be considered for inclusion in personnel rules are indicated in the suggested rules presented in a supplement to this report.

Procedure in Drafting the Rules. The personnel rules must rest on specific or reasonably implied authorization in the merit system ordinance. The policies set forth in the rules should specify procedures that are practicable and that will accomplish their intended purposes in a simple and direct manner. The rules should promote sound relations with officials of operating departments and with employees, applicants, and other persons they affect.

The first draft of the rules probably should be prepared by the city manager, personnel director, or other employee charged with administering the personnel program. As the drafting of the rules goes forward, the city manager (mayor in nonmanager cities) can inject his own ideas by reviewing the work and making suggestions. The advice and suggestions of the city attorney and of heads of operating departments will prove very helpful. The views of employee groups should be solicited on matters that are of primary concern to them. When the tentative draft of the rules satisfies the city manager, the document should be referred informally and privately to the city council. Criticisms and comments made during this preview give the manager an opportunity to explain the factors upon which the rules are based, to justify policies and procedures embodied in the tentative draft, and to make any desirable changes to meet specific criticisms.

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After the rules have been tentatively approved by the council, enough copies should be made to distribute to the departmental officials and employee groups with the request that any criticisms, questions, or counter-proposals should be put into writing prior to a public hearing. At the hearing these items can be reviewed and such changes in the rules as are deemed proper should be announced. Full discussion should be encouraged at the hearing and should not be limited to those who have filed written exceptions. If major changes are necessary following the public hearing it may be desirable to revise the tentative draft and perhaps prepare a statement explaining reasons for the adoption of certain rules.

The city manager or personnel director should of course be familiar with general personnel practices and procedures of other cities, and should give special attention to the personnel policies of nearby governmental jurisdictions and of local industries. It may be desirable also to submit a tentative draft of the rules to specialists in the field of public personnel administration for review and suggestions. Caution should be exercised in the use of so-called model rules or in transplanting exact quotations from the rules of another city. Each set of rules and regulations must be tailored to fit the needs of a given local situation within the framework of the law or ordinance if they are to prove effective. However, specimen copies of successful statements in the rules of other cities may serve as guides in such matters as style, presentation, format, and topics to be covered. Finally, the rules should be checked for simplicity of language and by the city attorney to patch up any legal loop-holes where there is a likelihood of litigation such as those sections dealing with dismissals, lay-offs, and appeals.

While personnel rules cover technical points the wording should be sufficiently simple to be of practical value to the employees, city officials, and the public alike. Simplicity and clarity of language is of the utmost importance. A good rule to follow is to choose the simpler of two words, phrases, or sentences which have the same meaning and then to check the result carefully for completeness. The material should be organized also so that it follows a logical and systematic plan under which related subjects are brought together. Descriptive sub-headings within each rule make it easier to locate the desired material. The use of a separate paragraph for each idea contributes to ease of reading.

The next step is the adoption of the final draft of the rules by the city council, or by the personnel agency in cities where such authority has been given to a civil service commission or personnel board.

Publication of the Rules. When the rules have been finally adopted a sufficient number of copies should be produced so that each employee may have a copy. In the larger cities, where the rules may be quite long, municipal employees usually do not need a full statement as adopted. For this reason some cities, as in the case of Milwaukee for example, have published small booklets in question-and-answer form for their employees. Such booklets may also contain statements on the retirement plan, credit union, etc. A relatively recent and apparently successful development in publishing rules has been the so-called personnel manual, such as those issued by the cities of New Orleans, Louisiana; Cincinnati, Ohio; Saginaw, Michigan; Wichita, Kan.; Amarillo, Texas. A table of contents with page numbers for subject headings is desirable if the publication is very small, or an alphabetical index if it consists of more than ten pages, is an absolute necessity. The rules are intended to be used as a tool in day-to-day operation and if time and tempers are lost because of the need for checking through the document to find an item on a given subject the rules have not served their intended purpose. The suggested rules presented in a supplement to this report may be useful in the preparation or revision of the regulations of a given city.

PERSONNEL RULES AND REGULATIONS*

Rule I. Purpose and Amendment of Rules

1. Purpose of Rules. It is the purpose of these rules to give effect to the provisions of the merit system ordinance. The rules shall be applied in accordance with the purposes of the ordinance, which are interpreted and declared to be as follows: (a) to establish for employees in the competitive service a system of personnel administration based on merit principles and designed to secure efficient administration; (b) to govern the appointment, promotion, transfer, lay-off, removal, and discipline of such employees and other incidents of city employment on the basis of merit and fitness.

2. Amendment of Rules. The city manager with the approval of the city council may amend these rules and regulations not inconsistent with the provisions of the merit ordinance as deemed suitable and necessary to carry out the provisions of the ordinance. Amendments shall be adopted by the council only after a public hearing, open to any citizen, officer, or employee of the city, has been held. Five or more days public notice of such hearing shall be given, setting forth the time and place of the hearing and the purpose for which it is called. Following the adoption, the personnel director shall transmit promptly such amendments to appointing authorities and post them on bulletin boards.

Rule II. Definitions

As used in these rules, the following words and terms, unless the context clearly requires otherwise, shall have the meaning indicated below:

1. "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.
2. "Appointing authority" means an officer or agency subject to the ordinance having power to make appointments to positions.
3. "Class" or "class of positions" means a group of positions subject to the ordinance sufficiently alike in duties, authority, and responsibility to justify the same class title, qualifications, and the schedule of pay to all positions in the group.
4. "Class specification" means the written description of a class containing a title, a statement of the duties, authority, and responsibilities of the class and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.

*The personnel rules presented in this supplement are consistent with the merit system ordinance presented in MIS Report No. 40, and are based on a study of the rules of four council-manager cities, the suggested civil service rules issued in 1938 by the League of California Cities, and on suggestions made by staff members of Public Administration Service. These rules should be considered only as a guide; many sections may not be needed or may not be considered as desirable and others will need to be changed to conform with local tradition, practice, or organizational structure. If the rules are issued in the form of a manual some mention should be made of the place of the city council and city manager in personnel administration and also how the personnel work is organized and administered. The city manager may be the personnel director in the smaller cities. In noncouncil-manager cities "city manager" would be replaced by "mayor" wherever used in the rules. The important point is that cities should prepare and adopt rules to cover procedures and working conditions in the administration of personnel systems to the end that both officials and employees may know in advance what the rules are covering a given situation and so that all employees will be treated fairly and equitably.

5. "Demotion" means the change of an employee from a position in one class to a position in another class, having a lower maximum salary rate.

6. "Eligible" means a person whose name is on a list.

7. "Probationary period" means a working test period during which an employee is required to demonstrate his fitness for the duties to which he is appointed by actual performance of the duties of the position.

8. "Promotion" means a change of an employee from a position in one class to a position in another class having a higher maximum salary range.

9. "Promotion test" means a test for positions in a particular class, admission to the test being limited to regular employees in the competitive service.

10. "Public hearing" means a hearing after public notice at which any person may have a reasonable opportunity to be heard.

11. "Regular employee" means an employee who has been appointed to a position in the competitive service in accordance with the merit system ordinance after completing his working test period.

12. "Transfer" means a change of an employee from one position to another position in the same class or another class having essentially the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

Rule III. The Classification Plan

1. Preparation of Plan. The personnel director shall ascertain the duties, authority, and responsibilities of all positions subject to the ordinance. After consultation with the appointing authorities, he shall prepare and recommend to the city manager a position classification plan which shall group all positions in the competitive service in classes, based on their duties, authority, and responsibilities. The position classification plan shall set forth, for each class of positions, a class title, a statement of duties, authority, and responsibilities thereof, and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.

2. Adoption of Plan. The personnel director shall hold a public hearing on the proposed classification plan after giving at least five days notice prior to holding such hearing. After hearing such suggestions and recommendations which appointing authorities, supervisors, employees, and other interested persons may present, the city manager shall review this information and shall adopt the classification plan with such modifications as he believes proper. Such plan shall take effect 30 days after approval by the manager.

3. Original Allocation of Positions. As promptly as practicable and within not more than six months after the adoption of the classification plan, and after consultation with appointing authorities, the personnel director shall allocate each position in the competitive service to the appropriate class therein on the basis of its duties, authority, and responsibilities.

4. Interpretation of Class Specifications. The personnel director shall prepare specifications for each class of positions. Specifications will be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples will not be isolated and treated as full definitions of a class. Specifications shall be deemed only as descriptive and explanatory of the kind of work required in positions in the several classes but not necessarily inclusive of all duties to be performed.

5. Administration of Plan. Revisions to class specifications and reallocations within the approved classification plan will be made in the following manner:

a. The personnel director shall study the duties and responsibilities of each new position as it is created, and on the basis of this study allocate the position in the appropriate class for the duties performed.

b. Whenever a change is made in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing ones, such changes will be reported to the personnel director who will investigate such changes, and if they are to be permanent and call for reallocation he will place the position in the appropriate class.

c. When an employee is transferred permanently to another position, the personnel director shall investigate the duties of the new position to determine if the employee is still properly classified and reallocate the position to a different classification if necessary.

d. The personnel director shall periodically check the classification of positions and, upon the basis of his investigations, recommend to the city manager that existing classes be combined, abolished, or, if necessary, that new classifications be established.

e. An employee may at any time submit a written request to the personnel director for a review of the allocation of his position. This request must set forth the employee's reasons justifying a review. The personnel director will make an investigation of the position with a view of determining its correct allocation and will report his finds in writing to the city manager. The decision of the city manager will be in writing and will be final. The personnel director shall give written notice to the employee of the city manager's decision.

6. Effect of Reallocation of Positions. A regular employee who is occupying a position reallocated to a different class shall continue in the position only if he is eligible for, and is actually appointed to, the position of the new class in accordance with the rules governing promotion, transfer, or demotion. But any regular employee whose position is reallocated may compete in any test held to fill the reallocated position, or upon approval of the personnel director he may attain status in the reallocated position if he achieves a satisfactory grade on a noncompetitive test of fitness for the class to which the position has been reallocated.

When the incumbent of any position through diligent and intelligent application to his work develops his position by the assumption of additional and progressively more difficult duties and responsibilities, so that it warrants a higher classification, the personnel director shall determine whether the incumbent should be given status in such higher classification without promotional examination or whether the best interests of the service will be served by conducting a competitive promotional examination for the position.

7. Use of Class Titles. Following the adoption of the classification plan and the allocation of classes therein to positions in the competitive service, the class titles set forth therein shall be used to designate such positions in all official records, vouchers, payrolls, and communications. No person shall be appointed to, or employed in, a position under a class title which has not been approved by the personnel director as appropriate to the duties performed.

Rule IV. The Pay Plan

1. Preparation. The personnel director shall be responsible for the development of a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay for each class of positions and such intermediate rates as he considers necessary or equitable. Salary ranges shall be linked directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, requisite qualifications, prevailing rates of pay for comparable work in other public and private employment in the area, cost of living factors, suggestions of department heads, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations.

2. Adoption. After review and approval by the city manager the proposed pay plan shall be submitted by the city manager to the city council for adoption. After adoption or recodification by the council no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for the class of position unless the salary schedule for the class is amended. Whenever practicable notice of intent to amend shall be posted on the official bulletin board.

3. Initial Effect. All persons subject to the provisions of the merit ordinance who are receiving less than the minimum rate for the class of positions which they hold on the effective date of the pay plan shall be increased to the minimum rate of the salary range. Employees whose salaries are in excess of the maximum rate assigned to the class to which their positions are allocated may thereafter receive the same rate but shall not be eligible to receive any further salary increase until they occupy positions which have a higher maximum salary rate. All employees whose salary rates are at steps between the prescribed minimum and maximum rates of the class shall continue at that rate. If such a rate is at other than an established step of the range, it shall be increased to the next step. No new or adjusted salary rate shall be set at other than one of the prescribed steps of the salary range.

4. Amendments. Amendments to the pay plan will be recommended by the personnel director to the city manager when changes in responsibilities or work of classes, living costs, recruiting experience of the personnel department, prevailing rates of pay, the city's financial condition and policies, or other pertinent conditions warrant such action. The city manager, after consultation with appointing authorities and other persons concerned, shall prepare recommended changes to the plan and submit them to the council for formal approval.

5. Administration. a. Appointment Rate. The minimum rate of pay for a class shall normally be paid upon appointment to the class. Appointment rates above the minimum rate may be paid if the appointing authority submits a written request outlining reasons for such action which are approved by the city manager. Justification for approval will be limited

to recognition of exceptional qualifications of an eligible or lack of available eligibles at the minimum rate. If a former employee is re-employed in a class in which he was previously employed, the appointing authority may make an appointment at the same rate of pay which the employee had been receiving at the termination of his service.

b. Pay Increases. Salary adjustments within an established range shall not be automatic but shall be dependent upon specific written recommendations by the appointing authority. Such recommendations shall be based upon standards of performance as indicated by service ratings or other pertinent data. Increases in salary shall not be more than one step and shall not be made more often than once every six months, nor shall salary advancements be given to an employee until he has completed his working test period, except that an appointing authority may grant pay increases of more than one step or more frequently than once every six months upon submitting detailed written statements to the personnel director specifying the employee's exceptional performance or the unusual employment conditions that make such action necessary and after approval of such increases by the city manager.

c. Total Remuneration. Any salary rate established for an employee shall represent the total remuneration for the employee, not including reimbursement for official travel. Except as otherwise provided in these rules, no employee shall receive pay from the city in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees for the performance of their duties. If a reward, gift, or other form of remuneration is made available to any employee, it shall be credited to a designated employees' fund.

d. Subsistence Allowances. Subsistence or maintenance allowances received in lieu of cash shall be considered as part of the total salary. Whenever subsistence is allowed in lieu of cash, a schedule of such charges together with a statement of the policy and rule to be followed in making the charges shall be submitted by the appointing authority for the approval of the city manager.

e. Pay for Part-time Work. Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or weeks a month, the amount paid shall be proportionate to the time actually employed. The payment of a separate salary from two or more departments for duties performed in each is permissible if the total salary received is not in excess of the maximum rate of pay for the class.

f. Hourly and Daily Rates. An appointing authority may request hourly or daily rates of pay for classes of positions when conditions of employment in his opinion warrant such action. Rates set by such action shall be consistent with the established monthly rate. A schedule of hourly and daily rates, prepared by the personnel director and approved by the city manager, will be provided an appointing authority who desires to establish any such rates for a class of positions. Any hourly or daily rates to be set for positions shall be governed by the rules relating to monthly rates.

g. Pay Rates in Transfer, Promotion, or Demotion. If an employee is transferred, promoted, or demoted, his rate of pay for the new position shall be determined as follows: (a) if the rate of pay in the former class is less than the minimum rate established for the class of the new position, the rate of pay

shall be advanced to the minimum for the class; (b) if the rate of pay in the former class is more than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate step of the new range as determined by the appointing authority; (c) if the rate of pay of the former class falls within the new range of pay and at an established step in the range of the new class, the salary rate shall remain the same in the case of transfer, shall be increased one step in case of promotion, and, at the discretion of the appointing authority, shall remain the same or shall be adjusted to a lower step in case of demotion; (d) if the previous rate does not correspond to a step in the new salary range, it shall be adjusted to the next higher step if the action is a promotion or transfer or adjusted to at least the next lower step if the action is a demotion.

h. Overtime Payment. Overtime, authorized by the appointing authority, shall normally be compensated for by allowing employees an equal amount of time off. Monetary compensation for authorized overtime shall be paid only if approval is received from the city manager prior to actual accrual of such overtime. The granting of such approval shall be conditioned upon uniformity and equality of treatment as among employees of departments subject to the provisions of the merit ordinance. No allowance of any kind shall be provided for overtime work not authorized by the appointing authority.

6. Certification of Payroll. Each department of the city service subject hereto shall furnish the personnel director a true copy of each periodic payroll not later than ten days before the expiration of the payroll period concerned, showing the name, title, salary range, and amount due for each employee in that department. No disbursing officer shall make or approve or take any part in making or approving any payment for personal services to any person holding positions subject hereto unless the payroll voucher or account of such pay bears the certification of the personnel director or his authorized agent that the persons named therein have been appointed and employed in accordance with the provisions of the ordinance and these regulations.

Rule V. Applications and Applicants

1. Announcement. All examinations for positions in the competitive service shall be published by posting announcements in the personnel office, on official bulletin boards, and in such other places as the personnel director deems advisable including at least one newspaper of general circulation. The announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the time, place, manner of making applications; closing date for receiving applications; and other pertinent information.

2. Application Forms. Applications shall be made on forms provided by the personnel director. Such forms shall require information covering training, experience, references, and other pertinent information, and may include certificates of one or more examining physicians, a photograph, and fingerprinting. All applications must be signed by the person applying.

3. Disqualification. The personnel director shall reject any application which indicates on its face that the applicant does not possess the minimum

qualifications required for the position. Applications also shall be rejected if the applicant is not a citizen of the United States, is physically unfit for the performance of duties of the position to which he seeks appointment, is addicted to the habitual excessive use of drugs or intoxicating liquor; has been convicted of a crime, or is guilty of any disgraceful conduct; has made any false statement of any material fact, or practiced, or attempted to practice any deception or fraud in his application. Whenever an application is rejected, notice of such rejection with statement of reason shall be mailed to the applicant by the personnel director. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired. No application shall be rejected because the applicant lacks educational qualifications, except where such educational qualifications are required in necessary registrations, such as to practice law, medicine, engineering, or accountancy.

Rule VI. Examinations

1. Competitive Examinations. All appointments and promotions in the competitive service of the city shall be made according to merit and fitness to be ascertained so far as practicable by competitive examination. Such examinations shall be prepared by or under the direction of the personnel director and with the assistance of department heads. Examinations shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the classes for which the examinations are held. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications which in the judgment of the personnel director enter into the determination of the relative fitness of applicants. In addition, competitive promotional examinations shall take into consideration the quality and length of employment in the service. In order to avoid the possibility of discrimination the identity of applicants will be concealed in all examinations. The personnel director may require applicants to submit proof of their age, citizenship, and military service at the time of the examination and will keep a record of this information.

Competitive examinations shall be open to all applicants who are citizens of the United States and who meet with the standards or requirements fixed by the personnel director with regard to experience, character, age, education, physical condition, and such other factors as may be held to be related to the ability of the candidate to perform with reasonable efficiency the duties of the position. Promotional tests shall be open to all regular employees who meet the necessary requirements and who are serving in an appropriate class as determined by the personnel director. Promotional examinations may be limited to a single department or a sub-division thereof.

2. Special Examination Procedure. For positions involving skilled or semi-skilled labor or domestic, attendant, or custodial work, when the character or place of work makes it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed in other provisions of the ordinance, the personnel director may adopt or authorize the use of such other procedures as he determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness. Such procedures may include the testing of applicants singly or in groups at periodic intervals at the place of employment or elsewhere,

after such notice as the personnel director considers adequate; the registration of applicants who pass a noncompetitive examination or submit satisfactory evidence of their qualification, and appointment of registered applicants; or any variation or combination of the foregoing or other suitable methods. Special examination procedures shall have the approval of the city manager.

3. Method of Rating. Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating by which eligibility may be achieved may be established by the personnel director. Such minimum rating shall also apply to the ratings of any part of the test. Candidates may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or to be rated on the remaining parts of the test. The final earned rating of the competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weights established for each part prior to the date of the examination and announced in the public notice of the examination.

4. Rating Training and Experience. Where a rating of experience and training forms a part of the examination, the personnel director shall develop such procedures for the evaluation of those factors as will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency, and amount of experience and to the pertinency and amount of training. The personnel director may verify statements contained in the application of an applicant and secure further information concerning his character and fitness. If, after a list is established, information which materially affects the rating of experience and training, character, or fitness of the applicant is discovered, the personnel director shall make a new rating of the applicant's examination and make the necessary adjustments in the lists. The personnel director shall promptly notify the applicant of any change made in his standing and the reasons therefor.

5. Veterans' Preference. A veteran who has received an honorable discharge and who shall have made a passing grade shall have five points added to his or her final grade, and the rank of that person on the eligible list shall be determined on the basis of this augmented grade. Any such person to whom the United States Veterans' Administration has accorded at least a 10 per cent compensable disability rating shall be given 10 credit points, on the same basis, in addition to his rating on any examination held for entrance into the competitive service in which he attains a passing grade, providing the disability is compensable at the time of application for preference.

Proof of eligibility for veterans' preference shall be provided by veterans in the form of his discharge papers, a certified copy, photostatic copy, or other satisfactory evidence of honorable service. Disabled veterans additionally shall submit on such form as may be required by the personnel director proof of disability certified by the appropriate federal agency responsible for the administration of veterans' affairs.

6. Notification of Examination Results. Each person who takes an examination shall be given written notice as to whether he passed or failed in such examination and on his relative standing on the list or of his failure to attain a place on the list. Each person in an examination shall be entitled to inspect his rating and examination papers, but exami-

nation papers shall not be open to the general public. Such inspection shall be permitted only during regular business hours and at the office of the personnel office.

Rule VII. Employment Lists

1. Re-employment List. Employees separated from the service through no fault of their own may at their request be placed on a re-employment list in the order of ratings to be determined by their efficiency as demonstrated while in the city service and their length of service with the city. Employees who resign their positions may, at their request received within 60 days, be placed on appropriate lists providing for consideration for re-employment in the classification from which resignation was made for one year from the effective date of such resignations and provided such action is approved by the head of the department from which they have resigned. The ranking of such employees on the list will be based on the same factors used for employees separated from the service. The eligibility of all candidates on re-employment lists will expire two years from the date on which they became entitled to re-employment rights. Continuation may be granted upon application to the personnel director and approval by the city manager.

2. Promotional and Eligible Lists. The personnel director shall establish and maintain such promotional and eligible lists for the various classes of positions subject hereto as he deems necessary or desirable to meet the needs of the service. On each such list the eligibles shall be ranked in order of their ratings earned in a test given for the purpose of establishing such lists.

3. Order of Names on Lists. Names of eligibles shall be placed on the lists in the order of their final earned rating plus veterans' preference credit. In the case of ties in the final ratings, names shall be placed on the list in the order of ratings earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names alphabetically.

4. Availability of Eligibles. It shall be the responsibility of eligibles to notify the personnel director in writing of any change of address or other change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name may be withheld from all certification which does not meet the conditions which he has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which he will be available for employment.

5. Duration of Lists. The time during which a list shall remain in force shall be one year from the date on which it was originally established by the personnel director except that, before the expiration of the list, the personnel director may by order extend the time during which such a list remains in force when the needs of the government service so require. In no event shall the total period during which a list is in force exceed three years from the date on which the list was originally established. An order extending the period during which a list is in force shall contain a statement of the reasons for the extension and the order shall be entered in the records of the division. Eligible lists will be retained by the personnel director for one year after the date of their expiration. Two eligible lists for the same class of positions may be consolidated by the personnel director in a manner fair to eligibles on both lists. Candidates will be certified to appointing authorities in the manner described below in Rule VIII.

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6. Removal from Eligible List. The name of any person appearing on an eligible list may be removed by the personnel director if the eligible requests in writing that his name be removed, or if he cannot be located by postal authorities or other means of ordinary communication within five days following the date of notification. The name of any eligible may also be removed if the name has been certified for appointment three separate times and has not been appointed, or if the eligible has waived appointment twice in the same class of position. Any cause specified in these rules for the rejection of applications may likewise be cause for the removal of the name of an eligible from the eligible list on which it appears.

Rule VIII. Method of Filling Vacancies

1. Requisition. When a vacancy occurs the department head will submit on a personnel requisition form prescribed by the personnel director the pertinent facts relative to the duties, responsibilities, and qualification requirements of the position which is to be filled. If a list of eligibles is available, certification will be made in the manner prescribed.

2. Certification of Candidates. In the filling of all vacancies with the exception of transfers, the names certified to the department head shall be those of the three persons standing highest on the proper list. If there is more than one vacancy, the personnel director will certify two names more than the existing vacancies. The following employment lists will be used by the personnel director in the order indicated unless a different order is indicated by the department head and approved by the city manager: (a) re-employment list, (b) promotion list, (c) eligible list. If special requirements of sex, domicile, or the possession of special skills are specified by the appointing authority in a requisition and the personnel director, after investigation, determines that the facts and reasons specified are in fact conclusive as to the need for the special requirements for effective performance of the duties of the position, certification may be limited to persons on the appropriate list who meet such requirements.

a. Re-employment. When a re-employment list contains the names of persons who have been employed in the department in which the vacancy occurs, the appointing authority may request that such names be certified in their order ahead of other names on the list. All the names on any such lists shall be certified before any name on the list next in order of precedence, but the last names on a list may be combined with the first names on the list next in precedence in filling a requisition (see also Rule VII).

b. Transfers. The regular procedure for transfer of an employee to another position in the same class will be as follows: when no persons are available on re-employment lists, the personnel director will contact the heads of departments in which employees in the requisitioned class are employed and ascertain whether or not any employees are available for temporary or permanent transfer, according to the needs as shown on the requisition form. If employees are available and are willing to be transferred, the personnel director will notify the requisitioning department head by returning the requisition form with the employees' names certified thereto. The department head will interview the certified employees and if he finds one or more satisfactory to him, he will make the appointment by filling in the employee's name on the requisition form. If the certified employees are rejected by the department head or if no employees are available

for transfer, the personnel director will proceed to fill the vacancy according to the regular recruiting procedure outlined herein. If an employee wishes to be transferred to another department, he may so notify the personnel director, and if the department head is willing to approve the transfer the above procedure will apply. No person shall be transferred to a position for which he does not possess the minimum qualifications.

c. Promotions. The regular procedure for promotions will be as follows: when a requisition for personnel has been forwarded to the personnel director, and it has been ascertained that no employees are available for the re-employment list or for transfer, the personnel director will determine if there is a current promotional list of eligibles for the position. If there is none, he will then review the qualifications of employees in the city service who are receiving salaries lower than the minimum of the class requisitioned, and will determine on the basis of the review whether a promotional examination will be held.

d. Eligible Lists. If a vacancy cannot be filled through re-employment, transfer, or promotion, the personnel director will certify persons from an eligible list appropriate for filling the position. If such lists are not available or if they do not suffice, a provisional appointment may be made as provided in these rules.

3. Appointment. After interview and investigation, the appointing authority shall make appointments from among those certified, and shall immediately notify the personnel director of the person or persons appointed. The personnel director shall thereupon notify the person appointed, and if the applicant accepts the appointment and presents himself for duty within such period of time as the appointing authority shall prescribe, he shall be deemed to be appointed; otherwise he shall be deemed to have declined the appointment.

4. Provisional Appointments. When an appointing authority finds it essential to fill a vacancy and the personnel director is unable to certify eligibles for such vacancy because there is no existing appropriate list, or because there is not a sufficient number of persons on appropriate lists, who are willing to accept appointment, the personnel director may authorize the appointing authority to fill the vacancy by means of a provisional appointment. No provisional appointment shall be made without the prior approval of the personnel director, and no payment shall be made for services rendered by the appointee prior to such approval. A provisional appointment shall expire when a list has been prepared or shall expire automatically four months from the date of such appointment, except that the personnel director may approve the extension of a provisional appointment up to a maximum of eight additional months.

5. Temporary Appointments. Temporary appointments for short-term employment shall be made from lists. If no list exists or if certification from lists is impracticable because of non-availability of eligibles for temporary work, the personnel director may authorize the temporary appointment of any qualified individual to be designated by the appointing authority. Successive temporary appointments of the same person to the same position shall not total more than three months in any one year. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the list. Any period of employment under a temporary appointment is not to be counted as a part of the probationary service period in case of a subsequent appointment to a permanent position.

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6. Emergency Appointments. When an emergency makes it impossible to fill a position in the competitive service, the appointing authority may appoint any qualified person to such position in order to prevent stoppage of public business or loss or serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not exceeding 30 days in any 12-month period. A vacancy of which the department head has had a reasonable notice, or an employment condition of which he had, or might with due diligence have had, previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be reported immediately to the personnel director and to the city manager.

Rule IX. Probationary Period

1. Objective. The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any employee whose performance does not meet the required work standards.

2. Duration. Every person certified and appointed to a regular position shall be required to complete successfully a working test during a probationary period which shall be of sufficient length to enable the appointing authority to observe the employee's ability to perform the various principal duties pertaining to the position. The working test shall begin immediately upon appointment and shall continue for a period of time appropriate to the duties of the various classes of positions as determined by the personnel director. The minimum probationary period shall not be less than three months in the case of an appointment from re-employment and promotional lists and not less than six months in the case of appointment from a list of eligibles. The maximum length of the probationary period shall be six months; provided, that, if an appointing authority requests an extension of the established probationary period prior to 15 days before the expiration of a probationary period of three months or 30 days prior to the expiration of a probationary period of three to six months, the personnel director may approve the extension of the probationary period up to a total of 12 months from the date of appointment.

3. Evaluation of Performance. Once a month during the probationary period and in such manner as the personnel director may require, the appointing authority shall report to the personnel director his observation of the employee's work and his judgment as to the employee's willingness and ability to perform his duties satisfactorily and as to his habits and dependability.

4. Dismissal. At any time during the probationary period the appointing authority may remove an employee if in his opinion the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and dependability do not merit his continuance in the service. Upon such removal, the appointing authority shall forthwith report to the personnel director and to the employee removed his action and reasons therefor. No more than three employees shall be removed successively from the same position during their probationary period without the approval of the personnel director. An employee who is found to have been appointed through fraud or error shall be removed within 10 days of notification to this effect by the personnel director to the appointing authority.

5. Probationary Period Reports. At least ten days prior to the expiration of an employee's probationary period, the appointing authority shall notify the personnel director in writing whether the services of the employee have been satisfactory and whether he will continue the employee in his position. A copy of such notice shall be given to the employee. No employee shall be paid for work performed after the expiration of the probationary period unless, prior to the performance of such work, the appointing authority has notified the personnel director that the employee will be continued in his position.

6. Restoration of Dismissed Employee to Appropriate List. If an employee is removed from his position during, or at the end of, his probationary period and the personnel director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. An employee appointed from a promotional list who does not successfully complete his probationary period may, upon recommendation of the appointing authority, be reinstated in a position in the class occupied by the employee immediately prior to his promotion if a vacancy in that class exists at that time.

Rule X. Attendance and Leaves

1. Hours of Work. Employees shall work a minimum of _____ hours per week and the hours during which offices will be kept open for business shall be determined by the city manager. Each department head shall prepare a schedule of normal working hours for the department or organizational units for which he is responsible. After approval by the city manager such schedules shall be submitted to the personnel director.

2. Attendance. Employees shall be in attendance at their work in accordance with these rules and general or departmental regulations. All departments shall keep daily attendance records of employees which shall be reported to the personnel director on the form and on the dates he shall specify.

3. Holidays. The following and other days as may be designated by the city council are holidays and compensatory time off shall be provided for work done on these days in the same manner provided for overtime work:

When a holiday falls on the regularly assigned day off for a full-time employee, such employee shall be compensated by appropriate time off as provided elsewhere in these rules or such time shall be added to accrued annual leave. Whenever a holiday falls on a Sunday, the following Monday shall be considered a holiday. Holidays which occur during annual leave shall not be charged against annual leave.

4. Annual Leave. Each regular full-time employee shall be allowed annual leave with pay at the rate of one work day for each month of service. No vacation shall be granted during the original entrance working test period but if a regular appointment is received, vacation time may be allowed for time served in probation status. Ordinarily vacation leave must be taken during the calendar year. However, earned vacation may be accumulated up to 18 work days upon the recommendation of the appointing authority and with the consent of the city manager, but in no case beyond 24 working days. The time at which an employee shall take his vacation shall be determined by the supervising official with due regard for the wishes of the employee and particular regard for the needs of the service. Vacation leave shall be charged against employees in not less than half-day units. Regular full-time employees who are separated from the service shall be compensated for vacation accrued up to the date of separation.

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5. Sick Leave. Sick leave with pay shall be granted to all probationary, regular, and provisional employees at the rate of one work day for each full month of service. Sick leave shall not be considered as a privilege which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness or death in his immediate family, or to meet dental appointments, or to take physical examinations or other sickness prevention measures. To receive compensation while absent on sick leave, the employee shall notify his immediate superior or the personnel director prior to or within four hours after the time set for beginning his daily duties, or as may be specified by his department head. When absence is for more than three work days the employee may be required to file a physician's certificate. A request form for sick leave must be filled out immediately upon the employee's return to work (see paragraph 9 below). Unused sick leave may be accumulated to a total of not more than 60 working days.

6. Other Leaves of Absence With Pay. Employees shall be granted leaves of absence for required jury duty or for any other required appearance before a court or other public body. Such employees shall receive that portion of their regular salary which will, together with their jury duty pay or fees, equal their total salary for the same period. Leaves with pay may be authorized in order that regular employees may attend official meetings, if such leave is approved by the department head. Leave with pay may also be granted for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities.

7. Leave of Absence Without Pay. An appointing authority with the approval of the city manager may grant a regular employee leave of absence without pay for not to exceed one year. No leave without pay shall be granted except upon written request of the employee. Whenever granted, such leave shall be in writing and signed by the appointing authority and a copy filed with the personnel director. Upon expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice of return to duty, shall be cause for discharge. Leave without pay shall be granted only when it will not result in undue prejudice to the interests of the city as an employer beyond any benefits to be realized. Application for leave of absence for travel or study calculated to equip the employee to render more efficient service to the city may be deemed to involve such compensating benefits to be measured against the loss or prejudice to the interests of the city involved in keeping open the position or filling it temporarily until the return of the employee. No leave shall be granted primarily in the interests of the employee except in the case of one who has shown by his record of service or by other evidence to be of more than average value to the city and whose service it is desirable to retain even at some sacrifice.

8. Absence Without Leave. An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject for disciplinary action. In the absence of such disciplinary action, any employee who absents himself for three consecutive days without leave shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

9. Procedure in Requesting Leaves. An employee requesting a leave of absence for any reason must fill out a request form and the requested leave should be approved by the department head, by the employee's superior if the department head so desires, and approved by the city manager when required. The personnel director then determines whether the employee is entitled to the leave, indicates the amount of leave left the employee after taking the requested leave, and sends a copy of the form to the department head who will return it to the employee. Requests for annual leave must be made far enough in advance to allow time to carry out this procedure.

Rule XI. In-Service Activities

1. Service Ratings. In cooperation with department heads the personnel director shall establish a system of service ratings based on standards of performance. Such standards shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of employees to their duties, and such other characteristics as will measure the value of the employees to the municipal service. The service ratings shall be considered in determining salary increases and decreases within the limits assigned by the pay plan; as a factor in promotional examinations; as a factor in determining the order of lay-off when the number of employees must be reduced because of lack of work or funds and the order in which the names are to be placed on re-employment lists; and, as a basis for the demotion, transfer, or dismissal of an employee. Service ratings shall be available for review by the employee but such ratings will be confidential to the employee. Department heads may review the service ratings with the employees.

2. Employee Training. In order that employees may perform their work more efficiently and be able to qualify for positions of increasing difficulty and responsibility, the personnel director shall promote a system of employee training. He may encourage employees to take courses in night schools; suggest programs of supervisory and foremanship training to department heads; provide for necessary facilities to educate and keep the employees in the city service informed on activities and functions of the various departments of the city government; promote employee training programs; and counsel and advise employees, at their request, and encourage them as to possibilities of advancement in the city service and suggest required additional training.

3. Employee Health and Welfare. The personnel director shall promote satisfactory and healthful working conditions that are conducive to high morale, greater efficiency, and a low rate of turnover in the city service. Such an employee health and welfare program may include: group insurance and group medical and nursing care for all employees; an employees' credit union; an employees' club for athletic and social activities; improvement of working conditions and adoption of other non-financial incentives such as awards for long service and an employees' paper or magazine.

Rule XII. Penalties and Separations

Penalties comprise two groups: demotions and suspensions. Separations embrace three types: Layoffs, dismissals, and resignations.

1. Demotion. A department head may reduce the salary of an employee within the range provided in the pay plan or demote the employee for cause. A written statement of the reasons for any such action shall be furnished to the employee and a copy filed with the personnel director at least five days prior to the effective date of the action. No demotion shall be made as a disciplinary

action unless the employee to be demoted is eligible for employment in a lower class and shall not be made if any regular employee in the lower class would be laid off by reason of this action. Any regular employee who is demoted may appeal to the appeals board within 30 days after such action is taken.

2. Suspension. A department head may, for disciplinary purposes, suspend without pay any employee in his department for such length of time as he considers appropriate, not exceeding 30 calendar days in any 12-month period. The personnel director shall be furnished with a written statement specifically setting forth reasons for such suspension and, upon request, a copy of such statement shall be furnished to the affected employee. With the approval of the personnel director, an employee may be suspended for a longer period pending the investigation or trial of any charges against him.

3. Layoffs. A department head may lay off an employee in the competitive service when he deems it necessary by reason of shortage of work or funds, the abolition of the position, or other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes. No regular employee shall be laid off while another person in a competitive position is employed on a provisional or temporary basis in the same class in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.

a. Order of Layoff. Layoff of employees shall be made in inverse order of the current rating determined on the basis of service reports and length of service in the class and in the department or other organizational unit involved. No probational or regular employee shall be laid off from any position while any temporary or provisional employee is still employed in the same class and in the department or other organizational unit. If it is found that two or more persons in the organizational unit in which layoff is to be made have equal ratings determined on the basis of seniority and service reports, the order of layoff in all such cases of tie shall be in the inverse order of the date when an employee first entered the service.

b. Notice of Layoff. A department head shall give written notice to the personnel director and to the employee of any proposed layoff and reasons therefor a reasonable time before the effective date thereof. In the case of temporary, part-time, or other occasional employment of regular employees in the competitive service, the department head may notify in writing such employees and the personnel director at the time of appointment of the date of termination of employment. Such notice shall be deemed to meet notification requirements. Written notice of layoff indicating reasons for such action may be given provisional employees at any time prior to the effective date of layoff.

4. Dismissals. Dismissals are discharges or separations made for misconduct, inefficiency, or other just cause. A department head may dismiss any employee in his department at any time with the approval of the city manager and the city attorney. But no dismissal of a regular employee shall take effect unless, prior to the effective date thereof, the appointing authority gives to such employee a written statement setting forth in substance the reasons therefor and files a copy of such statement with the

personnel director. If the personnel director determines that the statement of reasons for dismissal given by the appointing authority shows that such dismissal does not reflect discredit on the character or conduct of the employee, the name of such employee shall, if such employee so requests, be placed on an appropriate re-employment list. Any regular employee who is dismissed shall have the right to appeal within 30 days to the appeals board.

5. Resignations. To resign in good standing an employee must give the appointing authority at least 14 calendar days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice. A written resignation shall be supplied by the employee to the appointing authority giving reasons for leaving. The resignation shall be forwarded to the personnel director with a statement by the appointing authority as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the city. The resignation of an employee who fails to give notice shall be reported by the department head immediately. The personnel director may take steps to verify reasons for any resignations; he shall notify the employee in writing as to the acceptance of his resignation and shall notify the finance department of the effective date of the resignation.

Rule XIII. Handling of Suggestions, Complaints, Appeals

1. Suggestions. The personnel director shall set up a formal system for the receipt, acknowledgment, recording, and action on suggestions of employees for improving municipal services.

2. Complaints and Grievances Other Than Those Relating to Suspensions, Demotions, or Dismissals. Complaints which involve suspensions, demotion, or dismissals shall be handled by the appeals board as provided in paragraph three below. All other complaints and grievances which an employee may have because of any action affecting his status or conditions of employment may be handled as follows:

a. The employee shall notify the personnel director, either in writing or by appearing at the personnel office in person, stating the reason for his complaint or grievance, including all pertinent facts of the case.

b. Within five days after registering of a complaint, the personnel director shall call a meeting which will include the department head, the complainant, and any other person or persons involved in the complaint. The personnel director will preside at the meeting and hear the entire case and obtain all the facts.

c. The personnel director will make a complete report of his findings and submit these to the city manager. The decision of the city manager shall be in writing and shall be final.

3. Appeals from Dismissal, Demotion, or Suspension. Any regular employee who is dismissed, demoted, or suspended may appeal in writing to the appeals board within 30 days after the effective date thereof. All appeals shall first be submitted to the personnel director. If findings of the personnel director in response to any such requests are not satisfactory to the appellant, he may request further review of such determination by the appeals board. Upon such appeal both the appealing employee and the appointing authority whose action is

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reviewed shall have the right to be heard publicly and to present evidence. At the hearing of such appeals, technical rules of evidence shall not apply. After the hearing and consideration of the evidence, the appeals board may recommend: (1) the reinstatement of the employee; (2) confirmation of the suspension, demotion, or dismissal; (3) placing of the employee on an appropriate employment list for future employment in the same or another department; (4) such other action as it deems appropriate.

The appeals board shall promptly file a written statement of its findings and recommendations with the city manager. The manager shall promptly render a decision in writing and such decision shall be final. The complaint, all written documents which may have been considered by the board, the findings and the conclusions of the board, and the decision of the city manager shall be promptly filed in the office of the city clerk and shall be a public record.

Rule XIV. General Provisions and Prohibitions

1. Records of the Personnel Department. Personnel records, except examinations, service rating reports, personal histories, and such other records as may be specified in these rules or by action of the appeals board as confidential, shall be public records and shall be open to public inspection during office hours at reasonable times and in accordance with such procedures as the personnel director may prescribe. The personnel director shall maintain records necessary to the proper administration of the personnel system.

2. Report of Personnel Changes. The personnel director shall prescribe the necessary forms for reports of all personnel changes in the service. Such forms shall provide spaces for entering such supporting or otherwise pertinent information as the personnel director shall deem to be needed.

3. Reports. Regular monthly reports and an annual report of the activities of the personnel director shall be submitted to the city manager. The personnel director shall submit such other reports as may be required by the city manager from time to time.

4. General Prohibitions. In no event shall any political endorsement be considered in connection with the appointment to a position in the competitive service. No person shall use or promise to use directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any reasons an appointment or advantage in appointment to a position in the city service, or an increase in pay, promotion, or other advantage in employment in any such position, for the purpose of influencing the vote or political action for any purpose, or for any other consideration.

5. Compliance with Merit Ordinance. All officers and employees of the city shall comply with, and aid in all proper ways in carrying out the provisions of the merit ordinance and these rules and special departmental regulations. Any officer or employee who shall fail to comply with any of the provisions of the ordinance or of regulations adopted thereunder shall be subject to all penalties and remedies now or hereafter provided by law for the failure of a public officer or employee to do any act required of him by law. Any person holding any position who shall wilfully violate any provision of the merit ordinance shall forfeit his or her position as well as his or her eligibility rating and for a period of at least 5 years from and after the date of such violation shall be ineligible for employment in any position.